

LEGAL NOTICE



In accordance with Neb. Rev. Stat. 84-907, a public hearing conducted by the Nebraska Game and Parks Commission will be held June 21, 2019, in the Alma Golf Course Clubhouse, located at 102 Dick Brown Memorial Drive, Alma, Nebraska, prior to consideration and/or enactment of the following:

Pursuant to the provisions of Neb. Rev. Stat. §§ 37-806, a public hearing will be held at 8:30 a.m., for Commissioner District Five (5) input on proposed listing and de-listing of State Threatened and Endangered Species.

Pursuant to the provisions of Neb. Rev. Stat. §§ 84-901 to 84-920, a public hearing will be held at 8:45 a.m., to consider amendments to Chapter 1, Administration Regulations, Section 002, Rules of practice and procedure for the conduct of public hearings regarding public hearings on rules, regulations, orders, adjudication of other matters, and other hearing and opportunities for public input.

Pursuant to the provisions of Neb. Rev. Stat. §§ 37-301 through 37-316, 37-353, 37-401, 37-403 through 37-406, 37-411, 37-412, 37-413, 37-414, 37-418, 37-426 through 37-429, 37-447 through 37-453, 37-527, 37-455 through 37-461, 37-463, 37-464, 37-477 through 37-479, 37-482.01, 37-501 through 37-503, 37-508, 37-509, 37-512, 37-514, 37-520, 37-525, 37-527, 37-529, 37-532, 37-534, 37-537, 37-540, 37-547, 37-560, 37-563, 37-701, 37-708, 37-802 through 37-811, a public hearing will be held at 9:00 a.m., to consider amendments to Chapter 4, Wildlife Regulations, Section 001, General Regulations Governing Wildlife Species, regarding language that clarifies the process and requirements for those persons applying for limited landowner permits to hunt antelope, deer or turkey; provides for the allowance of late season doe/fawn antelope hunters the ability to legally carry a centerfire rifle or handgun while hunting; and to clarify the process for landowners to attain a Damage Control permit for deer, antelope, elk or game birds. The changes also update and provide language for any landowner that would like to attain a Damage Control permit for deer, antelope, elk or game birds for damage done to their property and specifies how permittees shall comply with the terms of the issuance of the Damage Control permit.

Pursuant to the provisions of Neb. Rev. Stat. §§ 37-301, 37-304, 37-308, 37-308.01, 37-314, 37-315, 37-317, 37-404, 37-406, 37-409, 37-447, 37-449, 37-450, 37-452, 37-453, 37-455, 37-455.01, 37-456, 37-529, 37-701, 37-706, 37-708, a public hearing will be held at 9:15 a.m., to consider amendments to Chapter 4, Section 003, Antelope, Deer, Elk, regarding section updates for regulation consistency, as well as check-in requirements for any deer unit that is designated as an "Earn-A-Buck" unit and clear definition of "buck" and "antlerless" deer.

Pursuant to the provisions of Neb. Rev. Stat. §§ 37-301, 37-304, 37-308, 37-308.01, 37-314, 37-228, 37-404, 37-405, 37-411, 37-426, 37-452, 37-473, 37-613, a public hearing will be held at 9:30 a.m., to consider amendments to Chapter 4, Wildlife Regulations, Section 037, Mountain Lions; regarding season dates, permits authorized, shooting hours and areas open.

Information regarding listing and de-listing of State Threatened and Endangered Species is available for review on the Commission's website <http://outdoornebraska.gov/listingaction/>.

Copies of the proposed regulations and the Fiscal Impact Statement shall be available for public inspection at the Game and Parks Commission office and the Office of the Secretary of State.

All interested persons may attend and testify orally or by written submission at the public hearing. Persons interested in submitting written comments for the Commission to include in the record of the hearing must designate written comments for inclusion and provide them to Sandra Paice at the Lincoln office, 2200 North 33rd St., Lincoln NE 68503-0370, by 1:00 P.M. CT, June 19, 2019.

James Douglas, Director

DRAFT FISCAL IMPACT STATEMENT

Agency: Nebraska Game and Parks Commission	
Title: 163	Prepared by: Sandra Paice
Chapter: 1	Date prepared: May 16, 2019
Subject: Section <u>002</u> , Rules of practice and procedure for the conduct of public hearings	Telephone: 402/471-5432

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	()	()	()
Decreased Revenue	()	()	()
Indeterminable	()	()	()

Provide an Estimated Cost & Description of Impact:

State Agency: \$0
 Political
 Subdivision: \$0
 Regulated
 Public: \$0

If indeterminable, explain why:

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~July 1, 2016~~ April 5, 2019

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

003 Antelope, Deer, Elk

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301, 37-304, 37-308, 37-308.01, 37-314, 37-315, 37-317, 37-404, 37-406, 37-409, 37-447, 37-449, 37-450, 37-452, 37-453, 37-455, 37-455.01, 37-456, 37-529, 37-701, 37-706, 37-708. For purposes of these regulations, unless context otherwise requires, the definitions found in Chapter 37, sections 202 through 247 of the Game Law, are used.

For season dates, bag limits, and hunting zones, see Nebraska Game and Parks Commission Order C03 on the Commission's website: outdoornebraska.gov.

003.01 Weapons Allowed

003.01A Firearm, muzzleloader, and archery equipment as specified in 001.01B2 and 001.01B3 for Antelope Firearm, Deer Firearm, Youth Deer, Landowner Deer, Statewide Whitetail Buck, River Antlerless, Mule Deer Conservation Area, and Elk permits as described in Nebraska Game and Parks Commission Order C03, Sections C03.02, C03.05, C03.08, C03.09, C03.10, C03.11G, C03.11H, and C03.12, respectively. Season-specific weapon restrictions also apply; see Nebraska Game and Parks Commission Order C03, Sections C03.05C, C03.08A, C03.09A, C03.10A, C03.11G1, C03.11H, and C03.12A2.

003.01B Archery equipment as specified in 001.01B2 and 001.01B3 for Antelope Archery and Deer Archery as described in Nebraska Game and Parks Commission Order C03, Sections C03.03 and C03.06, respectively.

003.01C Muzzleloading equipment as specified in 001.01B2 and 001.01B3 for Antelope Muzzleloader, and Deer Muzzleloader, and ~~DeSoto National Wildlife Refuge Muzzleloader~~, as described in Nebraska Game and Parks Commission Order C03, Sections C03.04, and C03.07, and C03.11C2, respectively.

003.02 Application Periods

003.02A Deer and Antelope

003.02A1 Permit Applications:

Period 1: Second Monday in June beginning at 1 p.m. CST through the fourth Friday in June. Mail applications must be received in the Lincoln office of the Nebraska Game and Parks Commission by 5 p.m. CST. Internet applications must be received by 11:59 p.m. CST. Residents and nonresidents may apply for one deer permit in the following draw units: Republican Mule Deer, Platte, Platte Mule Deer, Frenchman, and Frenchman Mule Deer. Residents and eligible resident and nonresident landowners may apply for one antelope permit in the following draw units: Banner North, Banner South, Box Butte East, Box Butte West, Cherry, Cheyenne, Dismal, Eastern Sandhills, Garden and North Sioux.

For application purposes, muzzleloader antelope permits shall be classed as firearm permits, and provisions for application for these permits shall be the same as prescribed in 001.01A. Unsold North Sioux Muzzleloader Landowner permits may be made available as North Sioux Firearm Landowner permits beginning in Period 2 (see below).

Applicants that were not issued a permit for any unit designated as draw units in the previous year will be given preference.

Applicants supplying valid email addresses will be notified when draw is complete. Those not providing valid email addresses will be responsible to monitor their status on-line. Results of the draw will be available on or before the 1st Friday in July.

Successful applicants will have until the 3rd Friday in July to complete the purchase of their awarded permits. Any permits that remain unpaid will be allowed to go to period 2.

Permits awarded but unpaid will result in the applicant losing their preference points and forfeiting the permit.

Period 2: Beginning the first Monday in August at 1 p.m. CST. Residents, nonresidents and eligible resident and nonresident landowners may purchase any remaining deer and antelope permits in any unit subject to availability and within permit limits described in 001.01B1.

003.02A2 The Secretary of the Nebraska Game and Parks Commission may authorize or refund permits or restore preference points to accommodate administrative issues.

003.02B Elk

003.02B1 Permit Applications for Residents (Other than Limited Landowner Permits):

Second Monday in June beginning at 1 p.m. CST through the fourth Friday in June. Mail applications must be received in the Lincoln office of the Nebraska Game and Parks Commission by 5 p.m. CST. Internet applications must be received by 11:59 p.m. CST. Residents may apply for one permit.

Applicants supplying valid email addresses will be notified when draw is complete. Those not providing valid email addresses will be responsible to monitor their status on-line. Results of the draw will be available on or before the 1st Friday in July.

Successful applicants will have until the 3rd Friday in July to complete the purchase of their awarded permits. Any permits that remain unpaid will be allowed to go to period 2.

Permits awarded but unpaid will result in the applicant losing their bonus points and forfeiting the permit.

Period 2: Beginning the first Monday in August at 1 p.m., residents may purchase any remaining permits in any unit subject to availability and within permit limits described in 001.01B1.

An applicant shall not be issued an antlerless elk permit more than once every five (5) years.

003.02B2 The Secretary of the Nebraska Game and Parks Commission may authorize or refund permits or restore bonus points to accommodate administrative issues.

003.02B3 Limited Landowner Permit Applications for Residents and Nonresidents

Landowner elk applications must be received by the local Nebraska Game and Parks Commission District Office as specified for each elk unit by 5 p.m. local time at the close of the application period.

NGPC District Office	Elk Units
Alliance	Ash Creek, Bordeaux Creek , Hat Creek, North Platte River
Bassett Customer Service	Niobrara River East, Niobrara West
Norfolk	Beyd
North Platte	Box Elder

Period 1: Third Monday in May beginning at 1 p.m. CST through the first Friday in June. Eligible resident and nonresident landowners may apply for one elk permit.

Applicants supplying valid email addresses will be notified when draw is complete. Those not providing valid email addresses will be responsible to monitor their status on-line. Results of the draw will be available on or before the 1st Friday in July.

Successful applicants will have until the 3rd Friday in July to complete the purchase of their awarded permits. Any permits that remain unpaid will be allowed to go to period 2.

Permits awarded but unpaid will result in the applicant losing their preference points and forfeiting the permit.

Period 2: Beginning the first Monday in August at 1 p.m. CST. Remaining elk permits are available to eligible resident and nonresident landowners.

003.02B4 The Secretary of the Nebraska Game and Parks Commission may authorize or refund permits or restore preference points to accommodate administrative issues.

003.03 Special Regulations and Youth Eligibility

003.03A Hunter orange shall not be required of archers hunting deer with weapons described for archery hunting (001.01B2 and 001.01B3) during the River Antlerless Season (see Nebraska Game and Parks Commission Order C03, Section C03.11G1).

003.03B Youth Antelope Archery Permits

003.03B1 Eligibility: Resident and nonresident youth aged 12 through 15. Youth age 16 may hunt on youth antelope permits provided they are age 15 when they apply and provided they are age 15 on August 20 of the calendar year.

003.03B2 Hunting seasons and bag limits as specified for Antelope Archery (See Nebraska Game and Parks Commission Order C03, Section C03.03) are in effect.

003.03C Youth Deer Permits

003.03C1 Eligibility: Resident and nonresident youth aged 10 through 15. Youth age 16 may hunt on youth deer permits provided they are age 15 when they apply and provided they are age 15 on September 15 of the calendar year.

003.03C2 Hunting seasons and bag limits as specified for Youth Deer Season (See Nebraska Game and Parks Commission Order C03, Section C03.08) are in effect.

003.03D Special check-in requirements for deer units designated as "Earn-A-Buck"

Hunters are required to check an antlerless deer taken under the authority of the unit permit before checking a buck on the unit permit in the same calendar year.

003.03D1 The definition of a buck is a deer having at least one antler that is six (6) inches or more in length. An antlerless deer is defined as a deer having no antlers or antlers no more than six (6) inches in length.

003.04 Lottery and Auction Permits

Persons selected to receive an auction permit shall be determined by the highest bid. Persons selected to receive a lottery permit shall be determined by random drawing.

003.04A Combination Antelope, Deer, Turkey Permit

The Commission may authorize permit(s) which allow the harvest of one (1) antelope, one (1) deer, and two (2) turkeys (two (2) in the fall season, two (2) in the spring season, or one (1) in each season) taken in any open area during any Commission authorized seasons corresponding for each species with weapons legal for that season. The Combination Permit is valid until filled during hunting seasons beginning in the year of issuance and seasons beginning in the subsequent calendar year. The following provisions apply:

003.04A1 Antelope

One (1) antelope of either sex, in total, may be taken statewide during any open antelope season provided weapons legal for that season are used. Bucks with horns longer than the ears may not be taken during doe/fawn only seasons.

003.04A2 Deer

One (1) deer of either sex, in total, may be taken statewide during any open deer season provided weapons legal for that season are used. Only antlerless deer (See Commission Order C03.05D) may be taken during antlerless only seasons.

003.04A3 Turkey

Two (2) turkeys, in total, may be taken statewide during any open turkey seasons provided weapons legal for that season are used. Only toms and bearded hens may be taken in the spring season.

003.04A4 Three (3) permits are authorized per calendar year, including one (1) shared-revenue auction permit for residents and non-residents, one (1) Commission lottery permit for residents only, and one (1) Commission lottery permit for non-residents only.

003.04A5 For lottery permits, applications shall be accepted from January 2 beginning at 1 p.m. CST through the first Friday in July (receipt date at Game and Parks Commission office in Lincoln) during years when at least one lottery Combination Antelope, Deer, Turkey Permit is authorized under 003.04A4. All valid applications accompanied by the required fee (Chapter 1, Section 006; Administration Regulations) shall be considered equally in one drawing for each permit authorized. Applicants may submit multiple applications for lottery permits.

003.04B Combination Deer and Turkey Permit

The Commission may authorize permit(s) which allow the harvest of one (1) deer and two (2) turkeys (two (2) in the fall season, two (2) in the spring season, or one (1) in each season) taken in any open area during any Commission authorized seasons corresponding for each species with weapons legal for that season. The Combination Permit is valid until filled during hunting seasons in the year of issuance and seasons beginning in the subsequent calendar year. The following provisions apply:

003.04B1 Deer

One (1) deer of either sex, in total, may be taken statewide during any open deer season provided weapons legal for that season are used. Only antlerless deer (See Commission Order C03.05D) may be taken during antlerless only seasons.

003.04B2 Turkey

Two (2) turkeys, in total, may be taken statewide during any open turkey seasons provided weapons legal for that season are used. Only toms and bearded hens may be taken in the spring season.

003.04B3 Four (4) permits are authorized per calendar year, including four (4) shared-revenue auction permits for residents or non-residents.

003.04C Combination Antelope, Deer, Elk, Turkey Permit

The Commission may authorize permit(s) which allow the harvest of one (1) antelope, one (1) deer, one elk and two turkeys (two (2) in the fall season, two (2) in the spring season, or one (1) in each season) taken in any open area during any Commission authorized seasons corresponding for each species with weapons legal for that season. The Combination Permit is valid until filled during hunting seasons beginning in the year of issuance and seasons beginning in the subsequent calendar year. The following provisions apply:

003.04C1 Antelope

One (1) antelope of either sex, in total, may be taken statewide during any open antelope season provided weapons legal for that season are used. Bucks with horns longer than the ears may not be taken during doe/fawn only seasons.

003.04C2 Deer

One (1) deer of either sex, in total, may be taken statewide during any open deer season provided weapons legal for that season are used. Only antlerless deer (See Commission Order C03.05D) may be taken during antlerless only seasons.

003.04C3 Elk

One (1) elk of either sex, in total, may be taken statewide during any open elk season provided weapons legal for that season are used. Only antlerless elk (See Commission Order C03.12D) may be taken during antlerless only seasons.

003.04C4 Turkey

Two (2) turkeys, in total, may be taken statewide during any open turkey seasons provided weapons legal for that season are used. Only toms and bearded hens may be taken in the spring season.

003.04C5 Two (2) permits are authorized per calendar year, including, one (1) Commission lottery permit for residents only, and one (1) Commission lottery permit for residents and non-residents.

003.04C6 Applications shall be accepted from January 2 beginning at 1 p.m. CST through the first Friday in July (receipt date at Game and Parks Commission office in Lincoln) during years when at least one (1) lottery Combination Antelope, Deer, Elk, Turkey permit is authorized under 003.04C5. All valid applications accompanied by the required fee (Chapter 1, Section 006; Administration Regulations) shall be considered equally in one drawing for each permit authorized. It is unlawful to submit more than one application per calendar year for the resident-only lottery Combination Antelope, Deer, Elk, Turkey permit. If more than one such application is submitted by or for any person, all of his/her applications shall be excluded from the drawing and accompanying lottery fees shall be forfeited. Applicants may submit multiple applications for the lottery permit authorized for residents and nonresidents.

003.04D Statewide Elk

The Commission may authorize permit(s) which allow the harvest of one (1) bull elk taken in any open area during any Commission authorized bull elk season.

003.04D1 One (1) shared-revenue auction permit is authorized for residents only, per calendar year.

003.04D2 Two (2) shared-revenue auction permits are authorized for residents or non-residents, per calendar year.